

Again, the mistake that was made is quite evident since applicant made it clear that original claim 1 of this application was being amended and that certain others of the original claims were being canceled. Because it was obvious that an error had been made, it would have been helpful if the Examiner could have simply telephoned the undersigned rather than sending out an Office Action. In any event, new claims 13 to 18 correspond to the original claims as they were intended to be amended in the last response, and it is respectfully submitted that, under the circumstances, this response should be fully considered and, for the reasons set forth below, this application should be allowed.

The previous rejection based on the then newly cited Combs et al patent in view of the then newly cited Wissenbach patent is still applicable and the claims presented are patentable over those reference for the following reasons.

Claims 1-12 have been rejected under 35 USC 103(a) as being "unpatentable over" a newly cited Combs et al patent in view of a newly cited Wissenbach et al patent. The claims have been amended to more clearly define over the references cited and method claims 9-12 have been canceled.

As set forth in the introductory portions of this application, the present invention is concerned with a recorded device that provides easy, low cost, continuous readout and recording of flow volumes in open channel flow measurement operations upstream of flumes or weirs. The invention has broad application to thousands of water diversions which are currently being made without accurate flow measurement, and permits the water manager, whether a governmental agency, irrigation district, private firm or individual farmer, to manage and conserve water. It will be appreciated that in many instances the person monitoring the control and recording of flow volumes will be of very limited expertise and thus it is important that the control device employed be as simple and trouble free as possible. It is also important that the interior of the device be readily accessible for repairs or other purposes.

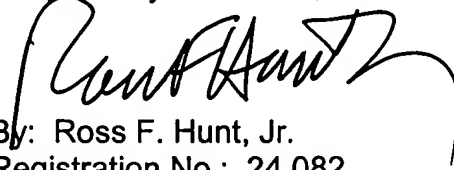
A key feature of the present invention concerns the provision of a single housing for housing the sensor, central processing unit and display device and, in particular, the provision of a housing of especially advantageous construction. In this regard, the housing comprises a top portion, a bottom portion mechanically connected to the top portion, and a downwardly depending member connected to the bottom portion of the

housing, with the sensor being received in the downwardly depending member. This results in a highly compact, effective arrangement wherein the sensor is protected and the interior of the housing is easy to access when necessary.

Turning to the cited references, it is respectfully submitted that, even assuming arguendo that it would be obvious to combine the Combs et al and Wissenbach et al patents, the resultant hybrid combination would not meet the terms of the claims now presented. In this regard, claim 1, as amended, is basically a combination of claims 1, 4 and 5. The Examiner admits that the Combs et al patent does not disclose at least three features of amended claim 1 (see the discussion in the first full paragraph on page three of the Office Action) but contends that the Wissenbach et al patent discloses these features. In this regard, the Examiner contends that the Wissenbach et al patent discloses "a depending member that receives a sensor such as element 41 as noted in Figure 3." It is respectfully submitted that that contention is not well taken. If the Examiner is simply contending that element 41 is a sensor, this is, of course, correct but it is respectfully submitted that the reference does not disclose a depending member that receives sensor 41. This is evident, for example, from Figure 11 which shows sensor 41 simply hanging down from the main housing. Sensor 41 includes a cable with a sensor head at one end and a plug at the other and the plug is simply plugged into the housing as shown in Figure 11 and other figures. Thus, it is respectfully submitted that there is no teaching of a housing including a downwardly depending member connected to the bottom portion of the housing with the sensor being received in the downwardly depending member. Accordingly, it is respectfully submitted that, for at least this reason, amended claim 1 patentably defines over the references cited.

For the reasons set forth above, allowance of the application in its present form is respectfully solicited.

Respectfully submitted,



By: Ross F. Hunt, Jr.
Registration No.: 24,082

Date: February 6, 2003